

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

ORDER AND ORDER OF REFERENCE

Defendant's September 12, 2017 *pro se* motions for new trial and to appoint attorneys "councils" and order trial transcripts, and his September 29, 2017 motion to seal court/trial transcript are denied. Defendant is represented in this case by counsel. He does not have a right to hybrid representation, in which his counsel files some motions and he files others. *See, e.g., United States v. Hardeman*, 48 Fed. Appx. 918, 2002 WL 31115183, at **1 (5th Cir. Sept. 19, 2002) (per curiam) (unpublished opinion) ("[Defendant] was represented by counsel in the district court, and he had no right to hybrid representation." (citing *United States v. Daniels*, 572 F.2d 535, 540 (5th Cir.1978))). Accordingly, this court is not required to accept his *pro se* motions. *See id.* ("The district court need not have accepted [defendant's] *pro se* motions.").

The September 12, 2017 motion of defendant's retained counsel, Ronald T. Spriggs, Esquire, to withdraw as counsel is granted. Under the circumstances of this case, where the defendant has terminated his retained counsel and granting the motion will not interfere with an impending trial (because the trial has already been completed), the court concludes that counsel's motion should be granted.

Pursuant to 28 U.S.C. § 636(b)(1)(A), the court refers to United States Magistrate Judge Lee Ann Reno for determination the appointment of new counsel for the defendant. Judge Reno may conduct a hearing if she determines that a hearing is necessary. Although the defendant replaced his appointed counsel with retained counsel, he asserts without dispute from the government that he is currently indigent and lacks any assets. Absent a contrary showing, the court concludes that he qualifies at this stage of the case for appointed counsel.

SO ORDERED.

October 10, 2017.



SIDNEY A. FITZWATER
UNITED STATES DISTRICT JUDGE